

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
	)	
Plaintiff,	)	4:14CR393 ERW/DDN
	)	
v.	)	
	)	
BRIAN PALUCH,	)	
	)	
	)	
Defendant.	)	

**MOTION TO DIMISS FOR CONCEALMENT OR  
DESTRUCTION OF EVIDENCE**

Pursuant to Federal Rule of Civil Procedure 16(d) and the Court's inherent power, Defendant Brian Paluch respectfully requests that the Court dismiss this action because the government has concealed or destroyed evidence critical to Paluch's defense. In support of this Motion, as is set forth in Paluch's Memorandum In Support Of Motion to Dismiss For Concealment or Destruction of Evidence, the government has failed to produce a vast array of emails from Paluch's email box at PARIC Corporation. Such emails contain evidence going to the core of Paluch's defenses.

WHEREFORE, Defendant Brian Paluch respectfully requests that the Court dismiss this case and, in addition, grant whatever other or additional relief it deems appropriate.

Respectfully Submitted,

COSGROVE LAW GROUP, LLC

/s/ David B. Cosgrove

David B. Cosgrove MO Bar # 40980

Daniel V. Conlisk MO Bar # 36544

Pierre Laclede Tower II

7733 Forsyth Blvd., Suite 1675

St. Louis, Missouri 63105

Telephone: (314) 563-2490

Facsimile: (314) 968-7371

E-mail: [dcosgrove@cosgrovelawllc.com](mailto:dcosgrove@cosgrovelawllc.com)

[dconlisk@cosgrovelawllc.com](mailto:dconlisk@cosgrovelawllc.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of July, 2015, I electronically filed the foregoing with the Clerk of the United States District Court for the Eastern District of Missouri by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ David B. Cosgrove